



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twentieth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.11901 of 2022

1 THIRUNAVUKARASU
2 ELANGO VAN

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
VALATHY POLICE STATION,
VILLUPURAM.
CRIME NO.99 OF 2022.

[RESPONDENT]

For Petitioners : M/S. P. NARAYANASUVAMI Advocate

For Respondent : MR.A.DAMODARAN, Additional public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 120, 409, 419, 420 and 448 of IPC in Crime No.99 of 2022, seek anticipatory bail.

2. The case of the prosecution is that on 26.03.2022, as per complaint of the de facto complainant Mr.N.Vijayashanmugam, District Manager of TASMAL Villupuram District, gave a complaint on 24.03.2022 against the petitioners along with one Shakthivel A-4 and A-2 Selvam, sales person that at the time of inspection the petitioners were not present in the shop and also let one Mr.Shakthivel to carry on the sales of the shop.

3. Learned Counsel for the petitioners submits that the second bail application in CrI.O.P.No.9950/2022 was dismissed by this Court on 28.04.2022 and the first bail application in CrI.O.P.No.7630/2022 was dismissed on 07.04.2022.



4. Learned Counsel for the petitioners also submitted that A-4 anticipatory bail application was allowed by the learned Principal Sessions Judge, at Villupuram in CrI.MP.No.2297/2022 on the 5th day of April 2022 under the grounds that the learned Public Prosecutor has stated that except the act of selling Arrack, no other mischief or misappropriation committed in the shop.

5. Learned Additional Public Prosecutor made a submission that the petitioners were working in the TASMAC shop Villupuram District, and they went away. During the inspection, the petitioners were not found in the shop and allowed three persons to sell the liquor. Now the departmental proceedings are going on as against the petitioners. They were suspended and facing the departmental enquiry. Admittedly there is no allegation that the petitioners have misappropriated the amount from the TASMAC shop.

6. Considering the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Gingee, on condition that each of the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent police daily at 10.30 a.m. for a period of four weeks and thereafter as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been



imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-
20/05/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
GINGEE

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
VALATHY POLICE STATION,
VILLUPURAM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. P. NARAYANASUVAMI Advocate on payment of necessary charges SR.NO.7700

CRL OP.11901/2022

Date :20/05/2022

JPA 24/05/2022